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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

7 MICHAEL AARON KAMBERGER,  
8  
9 Petitioner,

v.

10 SCOTT FRAKES,  
11  
Respondent.

No. C11-5465 BHS/KLS

ORDER REGARDING PROPER  
RESPONDENT AND BRIEFING  
SCHEDULE

12 Mr. Kamberger has filed a letter with the Clerk regarding the proper Respondent to be  
13 named in his petition for writ of habeas corpus. He also inquires as to the time frame for the  
14 filing of the State's response and his reply. ECF No. 15. Mr. Kamberger is advised that the  
15 proper respondent to a habeas petition is the "person who has custody over [the petitioner]." 28  
16 U.S.C. § 2242; see also § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992);  
17 *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Mr. Kamberger is presently confined at  
18 the Monroe Correctional Complex – MSU and therefore, his custodian is Superintendent Scott  
19 Frakes.  
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21 With regard to the filing of briefs, Mr. Kamberger should review the Order Directing  
22 Service signed by the Court on July 6, 2011. ECF No. 9. That Order sets out the briefing  
23 schedule for the parties.  
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1 The Clerk is directed to send a copy of the Service Order to Petitioner and copies of this  
2 Order to Petitioner and counsel for Respondent.

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4 **DATED** this 25th day of July, 2011.

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7 Karen L. Strombom  
8 United States Magistrate Judge  
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